

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

RASHAAD COLLINS,

Plaintiff,

vs.

MISSOULA COUNTY DETENTION
CENTER; PLANNED
PARENTHOOD OF MONTANA; and
COURTNEY EVANS,

Defendant.

CV 18–196–M–DLC–KLD

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered a Findings and Recommendations on January 29, 2020, recommending that the Court grant the Defendants’ Motion for Summary Judgment and dismiss this case. (Doc. 48.) No party timely objected to the Findings and Recommendation, and accordingly all parties have waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court reviews for clear error those findings and recommendations to which no party objects. *See Thomas v. Arn*, 474 U.S. 140, 149–53 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been made.” *Wash. Mut., Inc. v. United States*, 856

F.3d 711, 721 (9th Cir. 2017) (citation omitted).

Having reviewed the Findings and Recommendations (Doc. 48), the Court finds no clear error. The Fourteenth Amendment does not require medical providers to provide a specific medication to a pretrial detainee because the detainee claims that nothing else will work. Here, the undisputed facts establish that Collins refused to try alternative options for long enough to receive therapeutic benefits. (Doc. 48 at 10–11.) Further, medical staff prescribed the requested medication and did not renew the prescription only after Plaintiff Rashaad Collins refused to meet with staff for follow-up care. (Doc. 48 at 11.) The Defendants met their burden of showing that: (1) they did not create “conditions put[ting] the plaintiff at substantial risk of suffering serious harm”; (2) they did, in fact “take reasonable available measures to abate that risk”; and (3) they did not cause any injuries to Collins. *Gordon v. Cty. of Orange*, 888 F.3d 1118, 1125 (9th Cir. 2018). In short, the Defendants were not deliberately indifferent to Collins’s health. *Id.*

Accordingly, IT IS ORDERED:

(1) Judge DeSoto’s Findings and Recommendations (Doc. 48) is ADOPTED IN FULL;

(2) Defendants’ Motion for Summary Judgment (Doc. 31) is GRANTED;

(3) The Clerk of Court shall enter judgment and close this matter; and

(4) The Clerk of Court shall have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rule of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 25th day of March, 2020.



Dana L. Christensen, District Judge
United States District Court